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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,019	10/19/2004	Jorg Wirtz	SHEE 2 00038	1952
27885	7590	06/20/2007		
FAY SHARPE LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER SHARMA, RASHMI K	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 06/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/512,019

Applicant(s)

WIRTZ ET AL.

Examiner

Rashmi K. Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plural conveyor pans (claim 1 line 5), guide means for a mining machine (claims 1, 11 and 17), a goaf side, a connecting component, securing means, a scraper chain, wherein the apex line of the guide plate is located *below* an articulation point of an advancing system or *pusher beams* disposed on the goaf side for moving the face of the conveyor, toggle bolts (claim 7), L-shaped rolled steel section (claim 12), a removable trough (claim 13), two support plates (claim 14), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 20 is objected to because of the following informalities: it appears that claim 20 line 9 should recite "...loading muck..." and claim 20 line 11 should recite "...and an...". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 recites a range of angles for the lower and the upper sections of the guide plate. If the guide plate in claim 1 is required to have "a lower section steeper relative to an associated floor or to the conveyor bottom than an upper section thereof", then exactly how would it be possible to include 65 degrees within each range given for each lower and upper section, as in claim 5, in order for limitations for claim 1 to hold true? Further clarification is required.

Claim 13 recites a removable trough. Exactly how is the trough removable? Further clarification is required.

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Claim 17 recites the limitation "the horizontal web" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 also recites "guide means for a cutting mining machine". Is this a second guide means in addition to the guide means recited in claim 1? Further clarification is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 8, 10, 13 and 20 rejected under 35 U.S.C. 102(b) as being anticipated by Braun et al. (U.S. Patent number 4,643,296).

Braun et al. Disclose a conveyor pan for face conveyors in underground mining systems with an outward race and a return race to guide a scraper chain, between which a conveyor bottom (2) is disposed with on a goaf side and on a wall side securing means located at conveyor pan ends for a connecting component to link adjacent conveyor pans together, with guide means for a mining machine which may be moved along a wall and with a static loading ramp (see Figure 2, the angled wall directly to the right of reference numeral 6) connected to the conveyor pan on the wall side and extending from a floor to a level of the outward race, by means of which muck may be loaded into the outward race as the face conveyor is advanced, the loading ramp

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comprising a curved or angled guide plate, a lower section (see Figure 2, area of static loading ramp extending from the floor to just prior to it turning horizontal towards the right) of which is steeper relative to an associated floor or to the conveyor bottom (2) than an upper section (see Figure 2, horizontal area of loading ramp, near the area of where reference numeral 4a is disclosed) thereof, wherein in an apex line of the guide plate is disposed at a level of the conveyor bottom (2), wherein the lower section and the upper section of the angled guide plate are generally flat and include an angle of approximately 150 to 170 degrees, wherein the lower section of the guide plate forms a bar at a lower edge thereof (see Figure 2, reference numeral 16 around the lower leftmost area turning horizontally towards the right), which extends as far as pan ends of the conveyor pans, wherein the guide plate is welded to the conveyor pan (read column 4 lines 44-47) and wherein the conveyor pan includes a removable trough as the outward race and the upper section of the guide plate are welded to the frame holding the removable trough (see Figure 1).

### ***Conclusion***

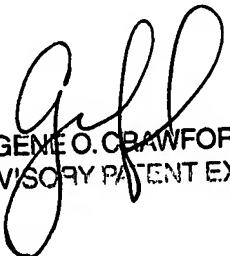
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi K. Sharma whose telephone number is 571-272-6918. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rks

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER